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TAGS: [PHUM](#) [PREL](#)
SUBJECT: AMBASSADOR RICE'S MEETING WITH HIGH COMMISSIONER
FOR HUMAN RIGHTS PILLAY ON DURBAN, HUMAN RIGHTS COUNCIL

REF: STATE 015159

Classified By: Ambassador Susan Rice for Reasons 1.4 B/D

¶1. (C) Summary: In a February 23 meeting with Ambassador Rice, High Commissioner for Human Rights Navanethem Pillay said of the Durban Review Conference, that although she was disappointed with the addition of unhelpful text in the draft outcome document and the politicized language used by some delegations during the February 16-19 intersessional working group (IWG) meeting in Geneva, this was only a temporary dynamic which would lead to negotiated concessions and a potentially positive outcome based on a shorter draft - presented perhaps by the U.S. or other delegations. Pillay said she is stressing with all delegations that we should not go "higher or lower" than the Durban Declaration and Program of Action (DDPA) and that no one issue should dominate the agenda. She asked the U.S. to stay involved in Durban and encourage Israel and Canada to re-engage, and she also urged the U.S. to run for the Human Rights Council this year. End summary.

¶2. (C) High Commissioner Pillay was accompanied by Jessica Neuwirth, who heads the OHCHR office in New York, and Ibrahim Salama, to whom Pillay has delegated primary responsibility for the Durban Review Conference. The High Commissioner started the meeting by offering her impressions of the status of negotiations for the World Conference Against Racism (Durban Review Conference). She said that U.S. engagement during the IWG had served to revitalize the working group and energize members across the board, including the Australians. Although she expressed "astonishment" over the addition last week of 100 new paragraphs to the draft outcome text and acknowledged that some countries were continuing to posture in unhelpful ways, she believed the conference remained on track to achieve a positive outcome. In meetings with each of the regional groups, Pillay said she has found a willingness to work through the three key problematic issues identified by the U.S.: anti-Semitism and a focus on Israel; defamation of religions; and reparations. Her approach is to have delegations reaffirm the 2001 DDPA and use her so-called contribution document, publicly made available on February 20, to guide the way forward. In response to Ambassador Rice's assertion that we would not likely be in the position of reaffirming the entire DDPA, Pillay said the DDPA had been a consensus document and we should not try to re-open it for negotiation, but that we could reserve with caveats to support our own positions.

¶3. (C) Regarding Israel-specific language, Ambassador Rice emphasized that the focus of the conference should be racism and that it's inappropriate to focus on Israel or any one country or conflict. Pillay said that she had deliberately left out any mention of a specific country or conflict in her contribution document and that during her meeting with members of the OIC, chaired by Pakistan and including the hardliners, she learned the Palestinians were chosen to lead this issue. Salama said that although OHCHR hasn't seen the

actual language, the Palestinian Ambassador said in confidence that he's worked out two passages that he feels everyone will be able to accept, which are consistent with the Durban "no more, no less" theme. Neuwirth suggested that we could offer a one-line disassociation from any language focused on one conflict or country.

¶4. (C) Turning to U.S. concerns about the inclusion of "defamation of religions" in the draft outcome document, Pillay explained that her contribution offers to deal with this concept as an issue of incitement to religious hatred, and then use regional workshops to further develop the concept. Most OIC members reacted positively to this shift, Pillay said.

¶5. (C) With regard to reparations, Pillay said "there's no new troublesome language" and believed this has become a non-issue. She said that the Africa Group, with whom SYG Ban will soon meet, seems to support the "no more no less approach" to the Durban Review Conference and is comfortable with language that emphasizes the right to seek rather than require reparations. Pillay added that she had been more concerned by inputs from the Asia Group than the Africa Group, but that these concerns had been largely mitigated.

¶6. (C) Pillay assessed that the Europeans are in favor of her contribution document, but have a concern with its apparent endorsement of an optional protocol to the Committee on the Elimination of Racial Discrimination (CERD) and the controversial issue of complementary standards.

¶7. (C) In response to Ambassador Rice's question regarding how OHCHR envisioned Durban playing out, Pillay deferred to

Salama, who said about the draft outcome document, "The worse it gets, the better." Salama offered the view that the Russian Chair would be more easily able to build support for a greatly shortened document as the March informals proceed and delegations exhaust their political posturing and move in favor of a more realistic approach. He imagined that by the end of March or early April another document would emerge (either from the Chair or a specific country), and suggested that if the U.S. decides to offer a streamlined document, it should wait at least a week from now before doing so. (Note: the first plenary reading of the draft outcome text will conclude on February 26.) Both Pillay and Salama believed the essence of a successful outcome document rested in a combination of Section V of the new draft outcome document and the High Commissioner's contribution, adding that a shortened document might be 10 pages or less. Both also cautioned against moving too quickly and instead letting the negotiating and political process play out in order to establish the legitimacy for the Chair to introduce a streamlined document. States need to feel the threat of others withdrawing, Pillay said. She lamented the fact that the Chair has so far been unable to confirm five facilitators to help the Chair during the March informals - the Europeans had been particularly unhelpful on this point - and that Russia itself had been under pressure not to chair the process. (Note: Pillay said she intervened with the Russian Ambassador in Geneva on this issue.) Salama said the outcome document should do two things in his view: reaffirm the DDPA and endorse the High Commissioner's contribution.

¶8. (C) Pillay appealed to the U.S. to encourage Israel and Canada to re-engage in the Durban Review Conference, noting that the Israeli Ambassador had told her Israel would be willing to participate if objectionable language were removed. Pillay asked Ambassador Rice to convey to Canada the positive changes that have been made. Rice did not reply to either request.

¶9. (C) On the Human Rights Council, Pillay urged the U.S. to run, which she said would encourage greater support "from the majority who are silent." Pillay did not offer a direct response to Ambassador Rice's question regarding how a U.S. candidacy would be viewed, but said she would actively

support our candidacy and the silent majority would support us.

¶10. (C) Ambassador Rice underscored the U.S. commitment to human rights under President Obama and our support for the Office of the High Commissioner. She cautioned that the U.S. had not made a decision about whether to participate in Durban and had watched the draft outcome document "go from bad to worse" during the week we sent a delegation to the IWG. Unfortunately, some of the most important states are not rolling up their sleeves and working toward a productive outcome. The bottom line is this needs to be a conference about racism and not about Israel or defamation of religions, and that can only be accomplished in a final outcome document of no more than a few pages. Ambassador Wolff commented that we've been sounding out delegations here and in capitals and that they don't seem prepared to do the heavy lifting needed for a successful outcome. He added we face a "highly unknown outcome" that is dangerous for the UN. Pillay expressed frustration with the political posturing of certain delegations, said there's only so much she can do, and regretted that her office had neglected working on the Durban issue until recently. "But if you leave, who will state your case?" she asked. Ambassador Rice emphasized that we are working toward common goals, want a solid partnership with OHCHR, and agreed to stay in contact with Pillay as we move forward.
Rice